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June 1, 2010

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**ANDREW THOMAS, ESQ.**  
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Re: ***NOTICE OF CLAIM – Malicious, Vindictive and/or Selective  
Prosecution, Abuse of Process, Intimidation, Harassment,  
Defamation, False Light Invasion of Privacy, Retaliatory Conduct,  
Constitutional Violations of Sandra Wilson***

The past two years have been particularly painful ones for the citizens of Maricopa County. Arizona was hit harder by the Great Recession of 2008 than most other states. Our losses were exacerbated by the near total collapse of the local housing market. Tourism dollars stopped flowing as many businesses, chastened by the AIG effect, stopped holding out of state conferences at resorts, leading directly to a decrease in tourism dollars – a decrease affecting primarily Phoenix and Maricopa County. Anti-immigration crusades by local politicians targeting hapless undocumented immigrants, further affected revenues as many of those targeted left their landscaping, pool, cleaning, and similar jobs and went to other states. The sudden and unanticipated drop in tax revenues, the increase in unemployment, and the net loss of population all combined to create the perfect storm of less money and more need. County government felt these effects strongly.

In light of this reality, County management began the grim task of finding ways to save money. Every elected official, every department, every agency, was asked to trim expenses. When our economy failed to improve as quickly as needed, these requests became more urgent and the cuts requested deeper. Some in County

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government – primarily Sheriff Arpaio and then County Attorney Andrew Thomas – insisted that difficult reality of our economic distress must not be made to interfere with their convenience and comfort. Every adjustment to their budgets was considered a conspiratorial assault. There was always a reason that they should not have to share the pain the Great Recession had brought to us and others.

When the County pleaded for their understanding that their departments must do their fair share in the budget cuts, Arpaio and Thomas struck back: they launched their now all-too-familiar campaign of retaliatory and baseless lawsuits, vindictive criminal prosecutions, defamatory press conferences, and unrelenting harassment. The first target was Don Stapley, Chairman of the Board of Supervisors, then his secretary, Susan Schuerman, followed by members of County management and finally the judiciary and lawyers working for the County. A Racketeering lawsuit was filed by Arpaio and Thomas against these same targets, a criminal complaint brought against a respected judge who had ruled against them, finally an indictment was brought against Supervisor Wilcox. Anyone who ever crossed them, dared challenge their position, criticized their actions, and ruled against them, was targeted for criminal investigation and prosecution. Careers were ruined, reputations tarnished, life's work undone. Good people – honest people working hard for the County – were terrorized: visited by Sheriff's deputies at their homes late at night; threatened with criminal prosecution; sued in vindictive and baseless actions; their phone lines tapped; their bank accounts emptied to hire attorneys; their peace and enjoyment of life destroyed.

Sandra Wilson, Deputy County Manager, was one of these County employees victimized by the terrible duo of Arpaio and Thomas, aided at every step in the malicious process by their accessories: Chief Deputy Hendershott and County Attorney Lisa Aubuchon.

This is Sandra Wilson's Notice of Claim brought pursuant to A.R.S. § 12-821.01. While Ms. Wilson, a long time, loyal employee of Maricopa County has agonized over bringing this prelude to litigation, she rightly believes that only by recognizing the Reign of Terror that Arpaio and Thomas have loosed on the County and its employees, the harm they have caused to, not only elected officials, but ordinary citizens, their callous, calculated, and abusive exploitation of their power, the millions their actions have cost taxpayers, will the citizens of Maricopa County finally say "No more." Our community leaders can no longer turn a blind eye to the terror these two have caused, to the indiscriminate abuse of their authority, to the trampling of basic constitutional rights of the citizenry.

### **Why Sandra Wilson Was Targeted**

Sandra Wilson has been a faithful and dedicated employee of Maricopa County for over 17 years. Starting as a Budget Manager in 1993, Sandi worked her way up to Budget Director, then Chief Resource Officer and finally, to her present position as Deputy County Manager, which she assumed in 1998. In this capacity, she serves as the back-up to the County Manager and her primary responsibility has been to oversee the County's \$2.2 billion budget. She has direct responsibility for these departments: the Office of Management and Budget; Workforce Management and Development; the Office of Enterprise Technology; Risk Management; Correctional Health Services; Health Care Programs; and Research and Reporting. In 2005, Sandi was appointed the Interim Public Health Director while still maintaining her responsibilities as Deputy County Manager.

Sandi became Acting County Manager in December, 2008 when David Smith, County Manager, went on an extended medical leave. Sandi continued in this position until his return on a part-time basis February 23, 2009. Over the course of the following months, Sandi continued as Acting County Manager on those occasions when Mr. Smith was out of the office. Sandi's primary task has always been to oversee the County's budget, and this task, given the perilous condition of the County's finances in 2008 and since, has included structuring a budget that reflected the fiscal realities of the times. She acted as a liaison between the Board of Supervisors and the elected and appointed officials of the various County agencies and divisions, working to craft budget solutions to the loss of revenues the County was experiencing. It was not an easy job: no one wants their budgets cut; no one wants to fire staff; no one wants to slash programs. But it became increasingly clear that all of these things had to take place if the County was to survive the times.

It was late in 2008 that Arpaio and Thomas, ever-resistant to the need to cut their budgets, conspired to fend off the County's increasingly forceful requests that they share the pain of the financial quandary. They took aim at the County's plans for the Court Tower project – a capital project 12 years in the planning, one budgeted for and saved for over those years; a project in which both Arpaio and Thomas had participated in planning. The first hint of their plot came in October 2008.

After a budget meeting chaired by Supervisor Kunasek and attended by elected officials, Sandi was followed back to her office by Arpaio and Hendershott who asked why the Board was proceeding with the Court Tower project. Sandi rightly told them that the Board had made a policy decision to continue. Less than two weeks later, Arpaio sent a memo to the Board, David Smith, and Sandi "suggesting" that the County should eliminate the Court Tower debt service funding

and use those savings to offset cuts to his operating budget. Thomas was copied on this memo.

One week later, at an informal meeting, the Board approved a number of budget cutting actions, including a hiring and capital purchasing freeze, and adopted guidelines applicable to all elected and appointed managers asking them to identify up to 20% in reductions to their budget for the upcoming year. Almost immediately thereafter, Don Stapley was indicted by Thomas, on the basis of Arpaio's "investigation," on 118 felony counts for alleged disclosure violations. Arpaio's "investigations" are typically results-oriented charades based far less on facts and law and far more on fits of his fast temper. So, the Board knew that the ante had been upped. The Board was rightly concerned about its own counsel (County Attorney Thomas) criminally indicting Stapley based on the predictable baselessness of an Arpaio "investigation." Though Arpaio was 0-for-8 on his high-profile "investigations," the Board now knew that Thomas was his new tool to extort the cooperation and obedience he believed he was owed by the Board. Thomas' oath and ethics could not be counted on by Thomas' client, the Board of Supervisors. So, outside counsel was appointed to investigate the obvious conflict that action presented.

Days later, Arpaio notified the Board that he would not be abiding by the 20% reduction to his budget requested by the Board and mandated by the financial condition of the County purse. Arpaio was not getting his way so the banal reflex of his dangerous temper flashed; he criminalized those that dare deny him. Soon after, Arpaio served Sandi with a Grand Jury subpoena requesting years worth of County documents, all related to the Court Tower project, and returnable two weeks later – January 5, 2009. Sandi was pointedly instructed by an MCSO deputy that the matter was sealed and she was to speak to no one about it. Because of the conflict issue with the County Attorney's Office, Sandi and the County were left with no legal representation and, because of the warning regarding confidentiality, no one else with which to discuss the outrageously broad subpoena. Which, of course, was the point – Arpaio does best, on and off camera, against the vulnerable and unrepresented; his odds get closer to even.

Just before Christmas 2008, the Board, citing the obvious conflicts with the County Attorney's Office, voted to strip Thomas' office of its right to represent the County in civil matters, along with part of his budget, and then set up a separate civil division to handle those cases. Incensed by what he considered to be a usurpation of his power, not to mention the hit to his budget, Thomas sued the outside counsel the Board had appointed to represent its interests in the Grand Jury matter, seeking to undo that representation. Days later, Arpaio and Thomas jointly sued the Board,

questioning its right to appoint outside counsel to represent it. The Sheriff's Office followed this by a veritable avalanche of extremely broad and open-ended public records requests directed to the Board, County Management, Planning and Zoning, Management and Budget, and others. In late January 2009, the Sheriff served a public records request on the County, seeking email, phone numbers and records, calendars from 36 County employees, including Supervisors, executive staff, County management and the like. Sandi Wilson was named in this request. Lisa Allen, the Sheriff's spokesperson, then reported to the media that all 36 County employees were under "criminal investigation."

Meanwhile, County management continued its efforts to find ways to save money, working with offices and agencies to cut expenses and costs. And these efforts continued to be rebuffed by Arpaio, who characterized the County's actions as retaliatory and hostile to his office. Sandi reached out to Arpaio, hoping to find a way to assuage the animosity that had developed between Arpaio and the County. Of course, she was not successful. At the next budget meeting involving the Sheriff's Office, Hendershott reminded Sandi that she and David Smith were currently under "criminal investigation." Once again, this was leaked to the press by Arpaio's public relations department.

In the months that followed, the animosity grew. Hendershott filed Bar Complaints against County Manager, David Smith, also a lawyer, and others. Both the Sheriff and County Attorney continued to overwhelm County management with overbroad and open-ended public records requests into a number of topics and involving dozens of County employees. They continued their blitz of retaliatory lawsuits against the Board, none of which has been successful. Sheriff's deputies visited lower level County employees at home, often at night, seeking information on their bosses and for anything that they might use as fodder in the all-out war they had declared against the County – a war in which Sandi Wilson, by virtue of her position, was now considered an enemy officer to be eliminated. Sandi, all too familiar with their tactics, had reason to be afraid. She well knew that those political enemies who came under criminal investigation by Arpaio were soon prosecuted by Thomas. She also knew that facts, vulnerability, and obvious innocence were never obstacles to life-altering criminal prosecutions by these two.

Around this time, Arpaio and Hendershott launched an aggressive assault on Sandi's job. Rallying other elected officials, all of whom were unhappy with cuts to their operating budgets, Arpaio and Hendershott encouraged them to lodge complaints against Sandi and David Smith with the Board, hoping for a change of management. The Board took no action, recognizing that the budget cuts were fiscally responsible and not politically motivated. But Sandi wonders what might

happen in the future should the make-up of the Board change? How secure is her position now that the Sheriff has her in his sights?

In the summer of 2009, Arpaio and his deputies led an armed raid on Sandi's IT group in an effort to take over the password for the ICJIS computer database. At the time, Sandi was at Hospice on what turned out to be her uncle's last day. She spent the day working with her IT director trying to sort the matter out. It has since been resolved in court.

The venom and vitriol, revenge and retaliation only increased as time went by. It culminated in December 2009 with the filing by Arpaio and Thomas of the Racketeering lawsuit naming the Supervisors, County managers, judges and lawyers representing the County. Sandi's worst fears were realized: she was one of the named defendants accused of participating in a broad-based criminal conspiracy, the aim of which was to illegally block criminal investigations and prosecutions of those named in the suit, particularly with respect to the Court Tower project and the Stapley investigation. Arpaio alleged he had been corruptly deprived of civil legal services from the County Attorney's Office; Thomas claimed he had been deprived of the ability to practice law. Their audacity in bringing this baseless and defamatory suit was breathtaking, but given the escalating vindictiveness, not surprising. Days later, a sitting judge was criminally charged with three felony counts. His only "crime" – ruling against this malevolent duo. It seems that those very persons elected to enforce the law were the ones breaking it – and with seeming impunity. Arpaio and Thomas had now darkened further our County's darkest of days. During the most tumultuous and painful economic period since the Great Depression, these two made it impossible for our County to focus on the daunting challenges of the day.

Not surprisingly, given the baseless nature of the claims and the embarrassingly poor quality of lawyering, Thomas and Arpaio were forced to abandon the Racketeering suit. But the dismissal was not voluntary and there has been no apology from these two whose actions have devastated so many lives. The dismissal came only after a Tucson judge disqualified Thomas from prosecuting Supervisor Wilcox because of a number of conflicts of interest and then dismissed the indictment against her. In that ruling, the judge noted that Thomas acted unethically, retaliated against those who disagreed with him, sought political advantage by prosecuting those who oppose him politically, and allied himself with Sheriff Arpaio, who "misused the power of his office" by targeting opponents with criminal investigations. These damning findings by the judge only confirmed what so many people knew: that Thomas and Arpaio had mounted their malevolent campaign against Sandi Wilson to retaliate, intimidate, and punish.



While the Racketeering lawsuit has been dismissed against Sandi Wilson, her nightmare is far from over: she has never been told that the criminal investigation launched by Arpaio has ended; she legitimately believes that she remains a target of his ill-will and spite; her good name has been irreparably tarnished and she will be forever linked with a Racketeering lawsuit accusing her of all manner of criminal wrongdoing. And all because of her position in County management and her insistence that Arpaio and Thomas shoulder their fair share of the fiscal pain the County was suffering.

### **Sandi's Life**

Sandi is a life-long Arizona. She and her brother were born and raised in Central Phoenix in modest circumstances. When she was 15, her father died, her mother sold the family dry cleaning business and went to work for American Express. One year later, Sandi, too, went to work for American Express. She continued to work there through high school, college and after her graduation from Arizona State University with a degree in business administration. She then went to work full-time at American Express as a Customer Service Supervisor. As the years went by, she was promoted several times and given progressively greater responsibilities. While still working full-time she attended graduate school, obtaining her MBA from the University of Phoenix in 1988. Sandi stayed with American Express until 1992 when she began working as a Management Intern for the City of Phoenix. One year later, she was hired as Budget Manager for Maricopa County and her career there began.

Sandi has been married to Paul for 24 years and they have three adopted children: Sierra, 18; Sedona, 12; and Parker, 9. Sierra and Sedona were adopted from China and Parker from Guatemala. Sandi and Paul consider their children their most precious gift – the family is incredibly close.

Sandi has always been active in the adoption community, serving as the Treasurer of Families with Children from China. She volunteers at St. John Bosco Interparish School, and served as Secretary of the School Board for two years as well as its Finance Committee Chair. Her greatest joy is spending time with her family.

### **A Long History of Abuse of Power**

Sadly, Sandi Wilson is one of a long line of political enemies who have been targeted by Arpaio, Hendershott, Thomas, Aubuchon and others at the MCSO and MCAO for abusive and retaliatory conduct. They have a long established custom, pattern, and practice of doing this.

Yavapai County Attorney Sheila Polk knows only too well how these two officials and others in their offices are willing to resort to intimidation and abusive

behavior to achieve their ends. Ms. Polk was asked by Thomas to take on the investigation into various County officials after conflict of interest charges were made against him. Arpaio and Hendershott grew increasingly unhappy with Ms. Polk's insistence on following good prosecutorial practices, refusing to issue overly broad subpoenas she believed were nothing more than "fishing expeditions." They convinced Thomas to take the investigations back. When Ms. Polk then spoke out against what she characterized as Thomas' and Arpaio's abuses of power, likening their behavior to "totalitarianism," she was accused by Hendershott as being part of the alleged "conspiracy." He then threatened to report her to the FBI for hindering Arpaio's corruption investigations.

Judge Gary Donahoe was named in the Racketeering suit and criminal charges were brought against him solely in retaliation for his rulings against Thomas and Arpaio in the Court Tower matter and to prevent him from making future rulings. There was not a shred of evidence implicating the Judge in any wrongdoing.

Supervisors Stapley and Wilcox have been the subjects of vindictive and retaliatory indictments brought by Thomas with the "investigatory" assistance of the Sheriff.

Supervisor Stapley's secretary, Susan Schuerman, was criminally investigated by Arpaio and Thomas and threatened with prosecution if she wouldn't sit down and give Hendershott ammunition they could use against her boss. She has been followed by deputies, who often parked in front of her home for hours on end – solely to intimidate her into cooperating in their witch hunt against a political enemy.

Arizona's Attorney General has been under investigation by the Sheriff and Thomas as part of their anti-corruption task force, Operation MACE, for years. While there were a flurry of press releases issued at the beginning of the investigation, with "evidence" distributed to the media and allegations made that the AG's Office was stonewalling, no indictment or charges have ever been made. Recently, former County Attorney Thomas has indicated that Goddard has been cleared of any wrongdoing. Too little, too late.

In the dead of night, the Sheriff's Selective Enforcement Unit pulled Mike Lacey and Jim Larkin from their homes, arresting them on a petty misdemeanor charge of publishing, in the *Phoenix New Times*, false grand jury subpoenas that Thomas and Arpaio knew to be unlawful. Larkin and Lacey were pursued in this political prosecution solely in retribution for articles critical of Arpaio and Thomas they had published over the years.



A SWAT team raid on the home of Sandra Dowling, the former Superintendent of Schools, was followed by indictment on baseless charges that she allegedly embezzled or misused \$3.5 million in public funds. The 25-count felony indictment was later dismissed with prejudice. Though she was vindicated, Arpaio and Thomas had succeeded in ousting her and closing the Pappas Schools; her reputation ruined; her life's work demeaned and denigrated.

Daniel Pochoda, the Arizona director of the ACLU was acquitted on a charge of misdemeanor trespassing after he was arrested and prosecuted for his mere presence at an immigration-related demonstration at a local furniture store. Mr. Pochoda was on the scent to meet with a client. He was returning to his car, not having participated in the demonstration when he was arrested by four Sheriff's deputies. This stunning abuse of power took a jury less than half a day to hear and decide: not guilty.

Chandler Police Sergeant, Thomas Lovejoy, was charged with animal cruelty when his canine partner died tragically. The Sheriff persisted in bringing these baseless charges and assistant County Attorney, Aubuchon, persisted in prosecuting them, because it was easy and cheap publicity in an election year. Lovejoy, too, was acquitted.

These instances of abuse of power, as horrifying as they are, pale in comparison to the recent round of retaliatory and vindictive lawsuits and prosecutions brought against County management and the judiciary. These lawsuits have a focused goal: retaliation, punishment, and intimidation. Arpaio's and Thomas' reign of terror has escalated, their abuses of power have become limitless; their total disdain for the rule of law is apparent.

#### **Legal Basis for Claims**

Based on the facts known to date and summarized above, Sandra Wilson has claims against the Sheriff, Hendershott, former County Attorney Thomas, Lisa Aubuchon and others for violations of state and federal laws. Those claims include abuse of process, malicious prosecution, defamation, false light invasion of privacy, infliction of emotional distress, aiding and abetting conspiracy, violations of rights protected by the Arizona Constitution, violations of 42 U.S.C. § 1983, law enforcement retaliation. She can seek attorneys' fees and costs, as well as punitive damages, if violations of § 1983 are found. This list is not exhaustive as additional claims may be appropriate if further information comes to light

### **Sandi's Damages and Demand**

Sandi Wilson files this Notice of Claim reluctantly. Sandi has been a conscientious and loyal employee of Maricopa County for 17 years. She hopes to continue to work for the County for the next decade or longer, always intending to retire from the County. Given the absurd but damning allegations of the Racketeering lawsuit, her resume is toxic to elected officials in other states. Sandi has been rendered unemployable in her profession due to these reckless and ruinous allegations.

She loves her work, her co-workers, and the feeling that she is making a difference in the work she does. But these hopes have been undermined. Having been a named defendant in a lawsuit charging her with criminal conduct and racketeering, her reputation has been sullied, her authority may now be questioned, and the propriety of her actions too cynically viewed. Sandi worries that with Mr. Smith's retirement, there may no longer be a place in County government for her and that the taint of the past months will prevent her from finding another commensurate position. Sandi has three children and her income is needed to help support them, to pay for their college educations which are on the horizon. Sandi cannot afford to lose her job.

Sandi has suffered, and will continue to suffer damages in an amount that is yet to be determined and will ultimately be determined by a jury at trial. But clearly, Sandi's reputation has been irreversibly tarnished. She has been named as a central conspirator in a Racketeering lawsuit charging her with criminal conduct and no matter how baseless those charges were and despite the fact that the suit had now been abandoned, Sandi will be forever tainted by those charges. A lifetime of integrity and a career of valuable public service have been undone and damaged.

In addition to the reputation damages suffered by Sandi, she has sustained emotional distress damages and adverse health effects from the stress of living with a criminal investigation and the lawsuit brought against her, including headaches and insomnia, loss of appetite, worry over how her children were handling the bad publicity about their mother.

### **A Unique Opportunity to Settle Sandi's Claims**

Sandi would rather not burden the County's coffers further. So, she is making a unique offer to settle this career-devastating offense by Arpaio, Thomas, Hendershott, and Aubuchon. She will settle this claim fully and forever in exchange for simple, written apologies from each of them. Each apology may be a simple statement that their Racketeering suit and claimed criminal investigation was without

Sheriff Joseph Arpaio  
David Hendershott  
Fran McCarroll  
Richard Romley  
Lisa Aubuchon  
June 1, 2010  
Page 11

basis and that each is sorry for the role that he or she played in the damage to Sandi. She simply wants to clear her good name for her sake and for her children's sake.

If Arpaio, Hendershott, Thomas, and Aubuchon will not make this simple apology and save the County taxpayers from the exposure and sure expense of this lawsuit, Sandi will resolve this claim now for \$2,000,000 – a figure likely to be far less than a jury's verdict if this case is not settled now.

### **Conclusion**

Arpaio's, Thomas', Hendershott's, and Aubuchon's evil and vindictive personal attack on Sandi Wilson was intended to retaliate against her for her insistence on Arpaio's and Thomas' participation in the budget cuts necessitated by the fiscal crisis of our country and our County. It was done solely to punish her for doing her job. They knew that none of the charges had any basis in fact or law. But their abuse of their powers and misuse of their authority has had a ruinous impact on Sandi's life and career.

Each time this type of abuse goes unpunished, our society is irreparably harmed. The fabric of our community, the integrity of our form of government relies on the intelligent, disciplined, and appropriate use of authority. The system of checks and balances built into our form of government is designed to ensure that authority is not abused for personal purposes. But that system has broken down in Maricopa County. And it has broken down in the worst possible way; Arpaio, who has the power to launch baseless criminal investigations, has been aided by former County Attorney Thomas, who had the power to turn those investigations into political prosecutions.

If Arpaio, Thomas, Hendershott, and Aubuchon have a shred of community concern left, they will simply tell Sandi that they are sorry.

Yours very truly,

**STINSON MORRISON HECKER LLP**

A handwritten signature in black ink, appearing to read 'Michael C. Manning', written over a horizontal line.

Michael C. Manning

MCM:rvs